

which was not declared on the label and their containers could easily have held twice the number of bandages.

On July 25, 1940, the United States attorney for the Western District of New York filed a libel against 21 first aid kits and 28 packages of first aid bandages at Buffalo, N. Y., alleging that the articles had been shipped in interstate commerce on or about June 17, 1940, by Co-Dent Co., Inc., from Philadelphia, Pa.; and charging that the first aid kits were adulterated and misbranded and that the first aid bandages were misbranded. The articles were labeled in part: "First Aid Kit [or "First Aid Bandages"] Approved Products Incorporated Philadelphia."

The first aid kits were alleged to be adulterated in that their purity or quality fell below that which they purported or were represented to possess in that they purported to be sterile; whereas they were not sterile but were contaminated with viable micro-organisms. The first aid kits were alleged to be misbranded in that the representations appearing variously on the cartons containing the absorbent cotton, gauze bandages, and gauze pad that they were for first aid, had been sterilized after packaging, were designed to fill the daily requirements of an entire household, and were guaranteed to be as represented, were false and misleading as applied to the articles in the package which were not sterile. The kits were alleged to be misbranded further in that they were in package form and failed to bear a label containing an accurate statement of the quantity of the contents and the common or usual name of the items of which they were composed since the metal container and outer carton did not carry the required information and the cartons containing the adhesive plaster and bandages did not carry a statement of the quantity of these items contained in the packages. They were alleged to be misbranded further in that their container was so made, formed, or filled as to be misleading.

The first aid bandages were alleged to be misbranded in that the label failed to bear the name and the quantity or proportion of dibromo-hydroxy-mercuri-fluorescein (mercurochrome), a derivative of mercury, contained in the articles. They were alleged to be misbranded further in that their containers were so made, formed, or filled as to be misleading.

On September 13, 1940, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

250. Misbranding of gauze bandage and first aid kits. U. S. v. 17 Dozen Packages of Gauze Bandage; 2 Gross Packages of First Aid Kits. Default decrees of condemnation and destruction. (F. D. C. Nos. 1489, 1748. Sample Nos. 70177-D, 5202-E.)

These products had been shipped in interstate commerce and were in interstate commerce at the time of examination, at which time the bandages in the separate packages and the bandages and the cotton in the kits were found to be contaminated with viable micro-organisms.

On or about February 14 and April 4, 1940, the United States attorneys for the Middle District of Pennsylvania and the Southern District of Ohio filed libels against 17 dozen packages of gauze bandage at Harrisburg, Pa., and 2 gross packages of First Aid Kits at Cincinnati, Ohio, alleging that the articles had been shipped in interstate commerce by the Hampton Manufacturing Co., Inc., from Carlstadt, N. J., within the period from on or about July 6 to on or about October 31, 1939; and charging that they were misbranded. They were labeled in part: "Blue Cross Gauze Bandage" or "Blue Cross First Aid Kit."

The gauze bandage was alleged to be misbranded in that the representation in the labeling that it was a nonravel bandage scientifically prepared for surgical use under sanitary manufacturing conditions, was false and misleading, as applied to a product that was not sterile but was contaminated with viable micro-organisms.

The first aid kits were alleged to be misbranded in that the representation that they were first aid kits was false and misleading when applied to a product which contained gauze and cotton that were not sterile but were contaminated with viable micro-organisms.

On April 8 and May 1, 1940, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.